



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5489

by Rep. Edward J. Acevedo

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Insurance Code. Creates the Public Adjusters Law. Repeals the Article of the Illinois Insurance Code concerning Public Insurance Adjusters and Registered Firms. Provides that a person shall not act or hold himself out as a public adjuster in this State unless licensed as a public adjuster. Sets forth the specific residency requirements for a public adjuster licensee. Provides that an individual applying for a public adjuster license must pass a written examination unless exempt pursuant to certain provisions. Provides for the creation of an optional apprentice public adjuster license. Provides that the Director of Insurance may place on probation, suspend, revoke, or refuse to issue or renew a public adjuster's license or may levy a civil penalty or any combination of actions against a public adjuster licensee who violates the Act. Provides that an individual who holds a public adjuster license shall satisfactorily complete a minimum of 24 hours of continuing education courses. Sets forth certain standards of conduct for public adjusters. Provides that a public adjuster shall report to the Director any administrative action taken against the public adjuster in another jurisdiction or by another governmental agency in this State within 30 days of the final disposition of the matter. Amends the Freedom of Information Act to exempt from disclosure certain documents required under the Public Adjusters Law of the Illinois Insurance Code. Contains other provisions.

LRB095 18045 KBJ 44128 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by adding  
5 Article XLV as follows:

6 (215 ILCS 5/Art. XLV heading new)

7 ARTICLE XLV. PUBLIC ADJUSTERS

8 (215 ILCS 5/1501 new)

9 Sec. 1501. Short title. This Article may be cited as the  
10 Public Adjustors Law.

11 (215 ILCS 5/1505 new)

12 Sec. 1505. Purpose and scope. This Article governs the  
13 qualifications and procedures for the licensing of public  
14 adjusters. It specifies the duties of and restrictions on  
15 public adjusters, which include limiting their licensure to  
16 assisting insureds in first party claims.

17 (215 ILCS 5/1510 new)

18 Sec. 1510. Definitions. In this Article:

19 "Apprentice public adjuster" means a person who is  
20 qualified in all respects as a public adjuster, except as to

1 experience, education, or training.

2 "Business entity" means a corporation, association,  
3 partnership, limited liability company, limited liability  
4 partnership, or other legal entity.

5 "Director" means the Director of the Division of Insurance  
6 of the Department of Financial and Professional Regulation.

7 "Division" means the Division of Insurance of the  
8 Department of Financial and Professional Regulation.

9 "Fingerprints" means an impression of the lines on the  
10 finger taken for the purpose of identification. The impression  
11 may be electronic or in ink converted to electronic format.

12 "Home state" means the District of Columbia and any state  
13 or territory of the United States where the public adjuster's  
14 principal place of residence or principal place of business is  
15 located. If neither the state in which the public adjuster  
16 maintains the principal place of residence nor the state in  
17 which the public adjuster maintains the principal place of  
18 business has a substantially similar law governing public  
19 adjusters, the public adjuster may declare another state in  
20 which it becomes licensed and acts as a public adjuster to be  
21 the home state.

22 "Individual" means a natural person.

23 "Person" means an individual or a business entity.

24 "Public adjuster" means any person who, for compensation or  
25 any other thing of value on behalf of the insured:

26 (i) acts or aids, solely in relation to first party

1 claims arising under insurance contracts that insure the  
2 real or personal property of the insured, on behalf of an  
3 insured in negotiating for, or effecting the settlement of,  
4 a claim for loss or damage covered by an insurance  
5 contract;

6 (ii) advertises for employment as an public adjuster of  
7 insurance claims or solicits business or represents  
8 himself or herself to the public as an public adjuster of  
9 first party insurance claims for losses or damages arising  
10 out of policies of insurance that insure real or personal  
11 property; or

12 (iii) directly or indirectly solicits business,  
13 investigates or adjusts losses, or advises an insured about  
14 first party claims for losses or damages arising out of  
15 policies of insurance that insure real or personal property  
16 for another person engaged in the business of adjusting  
17 losses or damages covered by an insurance policy for the  
18 insured.

19 "Uniform individual application" means the current version  
20 of the National Association of Directors (NAIC) Uniform  
21 Individual Application for resident and nonresident  
22 individuals.

23 "Uniform business entity application" means the current  
24 version of the National Association of Insurance Commissioners  
25 (NAIC) Uniform Business Entity Application for resident and  
26 nonresident business entities.

1 (215 ILCS 5/1515 new)

2 Sec. 1515. License required.

3 (a) A person shall not act or hold himself out as a public  
4 adjuster in this State unless the person is licensed as a  
5 public adjuster in accordance with this Article.

6 (b) A person licensed as a public adjuster shall not  
7 misrepresent to a claimant that he or she is an adjuster  
8 representing an insurer in any capacity, including acting as an  
9 employee of the insurer or acting as an independent adjuster  
10 unless so appointed by an insurer in writing to act on the  
11 insurer's behalf for that specific claim or purpose. A licensed  
12 public adjuster is prohibited from charging that specific  
13 claimant a fee when appointed by the insurer and the  
14 appointment is accepted by the public adjuster.

15 (c) A business entity acting as a public adjuster is  
16 required to obtain a public adjuster license. Application shall  
17 be made using the Uniform Business Entity Application. Before  
18 approving the application, the Director shall find that:

19 (1) the business entity has paid the required fees to  
20 be registered as a business entity in this State; and

21 (2) the business entity has designated a licensed  
22 public adjuster responsible for the business entity's  
23 compliance with the insurance laws, rules and regulations  
24 of this State.

25 (d) Notwithstanding subsections (a) through (c) of this

1 Section, a license as a public adjuster shall not be required  
2 of the following:

3 (1) an attorney admitted to practice in this State,  
4 when acting in his or her professional capacity as an  
5 attorney;

6 (2) a person who negotiates or settles claims arising  
7 under a life or health insurance policy or an annuity  
8 contract;

9 (3) a person employed only for the purpose of obtaining  
10 facts surrounding a loss or furnishing technical  
11 assistance to a licensed public adjuster, including  
12 photographers, estimators, private investigators,  
13 engineers, and handwriting experts;

14 (4) a licensed health care provider, or employee of a  
15 licensed health care provider, who prepares or files a  
16 health claim form on behalf of a patient; or

17 (5) a person who settles subrogation claims between  
18 insurers.

19 (215 ILCS 5/1520 new)

20 Sec. 1520. Application for license.

21 (a) A person applying for a public adjuster license shall  
22 make application to the Director on the appropriate uniform  
23 application or other application prescribed by the Director.

24 (b) The applicant shall declare under penalty of perjury  
25 and under penalty of refusal, suspension, or revocation of the

1 license that the statements made in the application are true,  
2 correct, and complete to the best of the applicant's knowledge  
3 and belief.

4 (c) In order to make a determination of license  
5 eligibility, the Director is authorized to require  
6 fingerprints of applicants and submit the fingerprints and the  
7 fee required to perform the criminal history record checks to  
8 the Illinois State Police and the Federal Bureau of  
9 Investigation (FBI) for State and national criminal history  
10 record checks. The Director shall require a criminal history  
11 record check on each applicant in accordance with this Section.  
12 The Director shall require each applicant to submit a full set  
13 of fingerprints in order for the Director to obtain and receive  
14 National Criminal History Records from the FBI Criminal Justice  
15 Information Services Division.

16 (1) The Director may contract for the collection,  
17 transmission, and resubmission of fingerprints required  
18 under this Section. If the Director does so, the fee for  
19 collecting, transmitting, and retaining fingerprints shall  
20 be payable directly to the contractor. The Director may  
21 agree to a reasonable fingerprinting fee to be charged by  
22 the contractor.

23 (2) The Director may waive submission of fingerprints  
24 by any person that has previously furnished fingerprints  
25 and those fingerprints are on file with the Central  
26 Repository of the NAIC, its affiliates, or subsidiaries.

1           (3) The Director is authorized to submit electronic  
2           fingerprint records and necessary identifying information  
3           to the NAIC, its affiliates, or subsidiaries for permanent  
4           retention in a centralized repository. The purpose of such  
5           a centralized repository is to provide Directors with  
6           access to fingerprint records in order to perform criminal  
7           history record checks.

8           (215 ILCS 5/1525 new)

9           Sec. 1525. Resident license.

10          (a) Before issuing a public adjuster license to an  
11          applicant under this Section, the Director shall find that the  
12          applicant:

13           (1) is eligible to designate this State as his or her  
14           home state or is a nonresident who is not eligible for a  
15           license under Section 1540;

16           (2) has not committed any act that is a ground for  
17           denial, suspension, or revocation of a license as set forth  
18           in Section 1555;

19           (3) is trustworthy, reliable, and of good reputation,  
20           evidence of which may be determined by the Director;

21           (4) is financially responsible to exercise the license  
22           and has provided proof of financial responsibility as  
23           required in Section 1560 of this Article; and

24           (5) maintains an office in the home state of residence  
25           with public access by reasonable appointment or regular



1 business hours. This includes a designated office within a  
2 home state of residence.

3 (b) In addition to satisfying the requirements of  
4 subsection (a) of this Section, an individual shall

5 (1) be at least 18 years of age;

6 (2) have successfully passed the public adjuster  
7 examination;

8 (3) designate a licensed individual public adjuster  
9 responsible for the business entity's compliance with the  
10 insurance laws, rules, and regulations of this State; and

11 (4) designate only licensed individual public  
12 adjusters to exercise the business entity's license.

13 (c) The Director may require any documents reasonably  
14 necessary to verify the information contained in the  
15 application.

16 (215 ILCS 5/1530 new)

17 Sec. 1530. Examination.

18 (a) An individual applying for a public adjuster license  
19 under this Article must pass a written examination unless he or  
20 she is exempt pursuant to Section 1535 of this Article. The  
21 examination shall test the knowledge of the individual  
22 concerning the duties and responsibilities of a public adjuster  
23 and the insurance laws and regulations of this State.  
24 Examinations required by this Section shall be developed and  
25 conducted under rules and regulations prescribed by the

1 Director.

2 (b) The Director may make arrangements, including  
3 contracting with an outside testing service, for administering  
4 examinations and collecting the nonrefundable fee. Each  
5 individual applying for an examination shall remit a  
6 non-refundable fee as prescribed by the Director. An individual  
7 who fails to appear for the examination as scheduled or fails  
8 to pass the examination shall reapply for an examination and  
9 remit all required fees and forms before being rescheduled for  
10 another examination.

11 (215 ILCS 5/1535 new)

12 Sec. 1535. Exemptions from examination.

13 (a) An individual who applies for a public adjuster license  
14 in this State who was previously licensed as a public adjuster  
15 in another state based on an public adjuster examination shall  
16 not be required to complete any prelicensing examination. This  
17 exemption is only available if (i) the person is currently  
18 licensed in that state or if the application is received within  
19 12 months of the cancellation of the applicant's previous  
20 license; and (ii) if the prior state issues a certification  
21 that, at the time of cancellation, the applicant was in good  
22 standing in that state or the state's producer database records  
23 or records maintained by the NAIC, its affiliates, or  
24 subsidiaries, indicate that the public adjuster is or was  
25 licensed in good standing.

1       (b) A person licensed as a public adjuster in another state  
2       based on a public adjuster examination who moves to this State  
3       shall submit an application within 90 days of establishing  
4       legal residence to become a resident licensee pursuant to  
5       Section 1525 of this Article. No prelicensing examination shall  
6       be required of that person to obtain a public adjuster license.

7       (c) An individual who applies for a public adjuster license  
8       in this State who was previously licensed as a public adjuster  
9       in this State shall not be required to complete any  
10       prelicensing examination. This exemption is only available if  
11       the application is received within 12 months of the  
12       cancellation of the applicant's previous license in this State  
13       and if, at the time of cancellation, the applicant was in good  
14       standing in this State.

15           (215 ILCS 5/1540 new)

16       Sec. 1540. Nonresident license reciprocity.

17       (a) Unless denied licensure pursuant to Section 1555 of  
18       this Article, a nonresident person shall receive a nonresident  
19       public adjuster license if:

20           (1) the person is currently licensed as a resident  
21           public adjuster and in good standing in his or her home  
22           state;

23           (2) the person has submitted the proper request for  
24           licensure and has provided proof of financial  
25           responsibility as required in Section 1560 of this Article;

1           (3) the person has submitted or transmitted to the  
2           Director the appropriate completed application for  
3           licensure; and

4           (4) the person's home state awards non-resident public  
5           adjuster licenses to residents of this State on the same  
6           basis.

7           (b) The Director may verify the public adjuster's licensing  
8           status through the producer database maintained by the NAIC,  
9           its affiliates, or subsidiaries.

10          (c) As a condition to continuation of a public adjuster  
11          license issued under this Section, the licensee shall maintain  
12          a resident public adjuster license in his or her home state.  
13          The non-resident public adjuster license issued under this  
14          Section shall terminate and be surrendered immediately to the  
15          Director if the home state public adjuster license terminates  
16          for any reason, unless the public adjuster has been issued a  
17          license as a resident public adjuster in his or her new home  
18          state. Notification to the state or states where the  
19          non-resident license is issued must be made as soon as  
20          possible, yet no later than 30 days of change in new state  
21          resident license. The licensee shall include his or her new and  
22          old address on the notification. A new state resident license  
23          is required for non-resident licenses to remain valid. The new  
24          state resident license must have reciprocity with the licensing  
25          non-resident state or states for the non-resident license not  
26          to terminate.

1 (215 ILCS 5/1545 new)

2 Sec. 1545. License.

3 (a) Unless denied licensure under this Article, persons who  
4 have met the requirements of this Article shall be issued a  
5 public adjuster license.

6 (b) A public adjuster license shall remain in effect unless  
7 revoked, terminated, or suspended as long as the requirements  
8 for license renewal are met by the due date.

9 (c) The licensee shall inform the Director by any means  
10 acceptable to the Director of a change of address, change of  
11 legal name, or change of information submitted on the  
12 application within 30 days of the change.

13 (d) A licensed public adjuster shall be subject to Trade  
14 Practices and Fraud Sections of this Code.

15 (e) A public adjuster who allows his or her license to  
16 lapse may, within 12 months from the due date of the renewal,  
17 be issued a new public adjuster license upon the Director's  
18 receipt of the request for renewal. However, a penalty in the  
19 amount of double the unpaid renewal fee shall be required for  
20 the issue of the new public adjuster license. The new public  
21 adjuster license shall be effective the date the Director  
22 receives the request for renewal and the late payment penalty.

23 (f) Any public adjuster licensee that fails to apply for  
24 renewal of a license before expiration of the current license  
25 shall pay a lapsed license fee of twice the license fee and be

1 subject to other penalties as provided by law before the  
2 license will be renewed. If the Division receives the request  
3 for reinstatement and the required lapsed license fee within 60  
4 days of the date the license lapsed, the Division shall  
5 reinstate the license retroactively to the date the license  
6 lapsed. If the Division receives the request for reinstatement  
7 and the required lapsed license fee after 60 days, but within  
8 one year of the date the license lapsed, the Division shall  
9 reinstate the license prospectively with the date the license  
10 is reinstated. If the person applies for reinstatement more  
11 than one year from the date the license lapsed, the person  
12 shall reapply for the license under this Article.

13 (g) A licensed public adjuster that is unable to comply  
14 with license renewal procedures due to military service, a  
15 long-term medical disability, or some other extenuating  
16 circumstance, may request a waiver of the procedures in  
17 subsection (f) of this Section. The public adjuster may also  
18 request a waiver of any examination requirement, fine, or other  
19 sanction imposed for failure to comply with renewal procedures.

20 (h) The license shall contain the licensee's name, city and  
21 state of business address, personal identification number, the  
22 date of issuance, the expiration date, and any other  
23 information the Director deems necessary.

24 (i) In order to assist in the performance of the Director's  
25 duties, the Director may contract with non-governmental  
26 entities, including the NAIC or any affiliates or subsidiaries

1 that the NAIC oversees, to perform any ministerial functions,  
2 including the collection of fees and data, related to licensing  
3 that the Director may deem appropriate.

4 (215 ILCS 5/1550 new)

5 Sec. 1550. Apprentice public adjuster license.

6 (a) The apprentice public adjuster license is an optional  
7 license to facilitate the training necessary to ensure  
8 reasonable competency to fulfill the responsibilities of a  
9 public adjuster as defined in this Article.

10 (b) The apprentice public adjuster license shall be subject  
11 to the following terms and conditions:

12 (1) An attestation or certification from a licensed  
13 public adjuster (licensee) shall accompany an application  
14 for an initial apprentice public adjuster license assuming  
15 responsibility for all actions of such applicant;

16 (2) The apprentice public adjuster is authorized to  
17 adjust claims in the state that has issued licensure only;

18 (3) The apprentice public adjuster shall not be  
19 required to take and successfully complete the prescribed  
20 public adjuster examination;

21 (4) The licensee shall at all times be an employee of a  
22 public adjuster and subject to training, direction, and  
23 control by a licensed public adjuster;

24 (5) The apprentice public adjuster license is for a  
25 period not to exceed 12 months, the license shall not be

1 renewed;

2 (6) The licensee is restricted to participation in  
3 factual investigation, tentative closing, and solicitation  
4 of losses subject to the review and final determination of  
5 a licensed public adjuster;

6 (7) Compensation of an apprentice public adjuster  
7 shall be on a salaried or hourly basis only; and

8 (8) The licensee shall be subject to suspension,  
9 revocation, or conditions in accordance with State law.

10 (215 ILCS 5/1555 new)

11 Sec. 1555. License denial, non-renewal, or revocation

12 (a) The Director may place on probation, suspend, revoke,  
13 refuse to issue or renew a public adjuster's license, or may  
14 levy a civil penalty or any combination of actions, for any one  
15 or more of the following causes:

16 (1) providing incorrect, misleading, incomplete, or  
17 materially untrue information in the license application;

18 (2) violating any insurance laws, or violating any  
19 regulation, subpoena, or order of the Director or of  
20 another state's Director;

21 (3) obtaining or attempting to obtain a license through  
22 misrepresentation or fraud;

23 (4) improperly withholding, misappropriating, or  
24 converting any monies or properties received in the course  
25 of doing insurance business;



1           (5) intentionally misrepresenting the terms of an  
2           actual or proposed insurance contract or application for  
3           insurance;

4           (6) having been convicted of a felony;

5           (7) having admitted or been found to have committed any  
6           insurance unfair trade practice or insurance fraud;

7           (8) using fraudulent, coercive, or dishonest  
8           practices; or demonstrating incompetence,  
9           untrustworthiness, or financial irresponsibility in the  
10          conduct of business in this State or elsewhere;

11          (9) having an insurance license, or its equivalent,  
12          denied, suspended, or revoked in any other state, province,  
13          district, or territory;

14          (10) forging another's name to an application for  
15          insurance or to any document related to an insurance  
16          transaction;

17          (11) cheating, including improperly using notes or any  
18          other reference material, to complete an examination for an  
19          insurance license;

20          (12) knowingly accepting insurance business from an  
21          individual who is not licensed but who is required to be  
22          licensed by the Director;

23          (13) failing to comply with an administrative or court  
24          order imposing a child support obligation; or

25          (14) failing to pay State income tax or comply with any  
26          administrative or court order directing payment of State

1 income tax.

2 (b) In the event that the action by the Director is to deny  
3 an application for or not renew a license, the Director shall  
4 notify the applicant or licensee and advise, in writing, the  
5 applicant or licensee of the reason for the non-renewal or  
6 denial of the applicant's or licensee's license. The applicant  
7 or licensee may make written demand upon the Director for a  
8 hearing before the Director to determine the reasonableness of  
9 the Director's action.

10 (c) The license of a business entity may be suspended,  
11 revoked, or refused if the Director finds, after hearing, that  
12 an individual licensee's violation was known or should have  
13 been known by one or more of the partners, officers, or  
14 managers acting on behalf of the business entity and the  
15 violation was neither reported to the Director, nor corrective  
16 action taken.

17 (d) In addition to or in lieu of any applicable denial,  
18 suspension or revocation of a license, a person may, after  
19 hearing, be subject to a civil fine.

20 (e) The Director shall retain the authority to enforce the  
21 provisions of and impose any penalty or remedy authorized by  
22 this Article against any person who is under investigation for  
23 or charged with a violation of this Article even if the  
24 person's license or registration has been surrendered or has  
25 lapsed by operation of law.

1 (215 ILCS 5/1560 new)

2 Sec. 1560. Bond or letter of credit.

3 (a) Prior to the issuance of a license as a public adjuster  
4 and for the duration of the license, the applicant shall secure  
5 evidence of financial responsibility in a format prescribed by  
6 the Director through a security bond or irrevocable letter of  
7 credit, subject to all of the following requirements:

8 (1) A surety bond executed and issued by an insurer  
9 authorized to issue surety bonds in this State, which bond:

10 (A) shall be in the minimum amount of \$20,000;

11 (B) shall be in favor of this State and shall  
12 specifically authorize recovery by the Director on  
13 behalf of any person in this State who sustained  
14 damages as the result of erroneous acts, failure to  
15 act, conviction of fraud, or conviction of unfair  
16 practices in his or her capacity as a public adjuster;  
17 and

18 (C) shall not be terminated unless at least 30  
19 days' prior written notice will have been filed with  
20 the Director and given to the licensee; and

21 (2) An irrevocable letter of credit issued by a  
22 qualified financial institution, which letter of credit

23 (A) shall be in the minimum amount of \$20,000,

24 (B) shall be to an account to the Director and  
25 subject to lawful levy of execution on behalf of any  
26 person to whom the public adjuster has been found to be

1 legally liable as the result of erroneous acts, failure  
2 to act, fraudulent acts, or unfair practices in his or  
3 her capacity as a public adjuster; and

4 (C) shall not be terminated unless at least 30  
5 days' prior written notice will have been filed with  
6 the and given to the licensee.

7 (b) The issuer of the evidence of financial responsibility  
8 shall notify the Director upon termination of the bond or  
9 letter of credit, unless otherwise directed by the Director.

10 (c) The Director may ask for the evidence of financial  
11 responsibility at any time he or she deems relevant.

12 (d) The authority to act as a public adjuster shall  
13 automatically terminate if the evidence of financial  
14 responsibility terminates or becomes impaired.

15 (215 ILCS 5/1565 new)

16 Sec. 1565. Continuing education.

17 (a) An individual, who holds a public adjuster license and  
18 who is not exempt under subsection (b) of this Section, shall  
19 satisfactorily complete a minimum of 24 hours of continuing  
20 education courses, including ethics, reported on a biennial  
21 basis in conjunction with the license renewal cycle.

22 (b) This Section shall not apply to:

23 (1) licensees not licensed for one full year prior to  
24 the end of the applicable continuing education biennium; or

25 (2) licensees holding nonresident public adjuster

1 licenses who have met the continuing education  
2 requirements of their home state and whose home state gives  
3 credit to residents of this State on the same basis.

4 (c) Only continuing education courses approved by the  
5 Director shall be used to satisfy the continuing education  
6 requirement of subsection (a) of this Section.

7 (215 ILCS 5/1570 new)

8 Sec. 1570. Public adjuster fees.

9 (a) A public adjuster shall not pay a commission, service  
10 fee, or other valuable consideration to a person for  
11 investigating or settling claims in this State if that person  
12 is required to be licensed under this Article and is not so  
13 licensed.

14 (b) A person shall not accept a commission, service fee, or  
15 other valuable consideration for investigating or settling  
16 claims in this State if that person is required to be licensed  
17 under this Article and is not so licensed.

18 (c) A public adjuster may pay or assign commission, service  
19 fees, or other valuable consideration to persons who do not  
20 investigate or settle claims in this State, unless the payment  
21 would violate State law.

22 (215 ILCS 5/1575 new)

23 Sec. 1575. Contract between public adjuster and insured.

24 (a) Public adjusters shall ensure that all contracts for

1 their services are in writing and contain the following terms:

2 (1) legible full name of the adjuster signing the  
3 contract, as specified in Department records;

4 (2) permanent home state business address and phone  
5 number;

6 (3) license number;

7 (4) title of "Public Adjuster Contract";

8 (5) the insured's full name, street address, insurance  
9 company name, and policy number, if known or upon  
10 notification;

11 (6) a description of the loss and its location, if  
12 applicable;

13 (7) description of services to be provided to the  
14 insured;

15 (8) signatures of the public adjuster and the insured;

16 (9) date contract was signed by the public adjuster and  
17 date the contract was signed by the insured;

18 (10) attestation language stating that the public  
19 adjuster is fully bonded pursuant to State law; and

20 (11) full salary, fee, commission, compensation, or  
21 other considerations the public adjuster is to receive for  
22 services.

23 (b) The contract may specify that the public adjuster shall  
24 be named as a co-payee on an insurer's payment of a claim.

25 (1) If the compensation is based on a share of the  
26 insurance settlement, the exact percentage shall be

1 specified.

2 (2) Initial expenses to be reimbursed to the public  
3 adjuster from the proceeds of the claim payment shall be  
4 specified by type, with dollar estimates set forth in the  
5 contract and with any additional expenses first approved by  
6 the insured.

7 (3) Compensation provisions in a public adjusting  
8 contract shall not be redacted in any copy of the contract  
9 provided to the Director.

10 (c) If the insurer, not later than 72 hours after the date  
11 on which the loss is reported to the insurer, either pays or  
12 commits in writing to pay to the insured the policy limit of  
13 the insurance policy, the public adjuster shall:

14 (1) not receive a commission consisting of a percentage  
15 of the total amount paid by an insurer to resolve a claim;

16 (2) inform the insured that loss recovery amount might  
17 not be increased by insurer; and

18 (3) be entitled only to reasonable compensation from  
19 the insured for services provided by the public adjuster on  
20 behalf of the insured, based on the time spent on a claim  
21 and expenses incurred by the public adjuster, until the  
22 claim is paid or the insured receives a written commitment  
23 to pay from the insurer.

24 (d) A public adjuster shall provide the insured a written  
25 disclosure concerning any direct or indirect financial  
26 interest that the public adjuster has with any other party who

1 is involved in any aspect of the claim, other than the salary,  
2 fee, commission, or other consideration established in the  
3 written contract with the insured, including, but not limited  
4 to, any ownership of, other than as a minority stockholder, or  
5 any compensation expected to be received from, any construction  
6 firm, salvage firm, building appraisal firm, motor vehicle  
7 repair shop, or any other firm which that provides estimates  
8 for work, or that performs any work, in conjunction with  
9 damages caused by the insured loss on which the public adjuster  
10 is engaged. The word "firm" shall include any corporation,  
11 partnership, association, joint-stock company, or person.

12 (e) A public adjuster contract may not contain any contract  
13 term that:

14 (1) allows the public adjuster's percentage fee to be  
15 collected when money is due from an insurance company, but  
16 not paid, or that allows a public adjuster to collect the  
17 entire fee from the first check issued by an insurance  
18 company, rather than as percentage of each check issued by  
19 an insurance company;

20 (2) requires the insured to authorize an insurance  
21 company to issue a check only in the name of the public  
22 adjuster;

23 (3) imposes collection costs or late fees; or

24 (4) precludes a public adjuster from pursuing civil  
25 remedies.

26 (f) Prior to the signing of the contract, the public



1 adjuster shall provide the insured with a separate disclosure  
2 document regarding the claim process that states:

3 "Property insurance policies obligate the insured to  
4 present a claim to his or her insurance company for  
5 consideration. There are 3 types of adjusters that could be  
6 involved in that process. The definitions of the 3 types  
7 are as follows:

8 (A) "Company adjuster" means the insurance  
9 adjusters who are employees of an insurance company.  
10 They represent the interest of the insurance company  
11 and are paid by the insurance company. They will not  
12 charge you a fee.

13 (B) "Independent adjuster" means the insurance  
14 adjusters who are hired on a contract basis by an  
15 insurance company to represent the insurance company's  
16 interest in the settlement of the claim. They are paid  
17 by your insurance company. They will not charge you a  
18 fee.

19 (C) "Public adjuster" means the insurance  
20 adjusters who do not work for any insurance company.  
21 They work for the insured to assist in the preparation,  
22 presentation and settlement of the claim. The insured  
23 hires them by signing a contract agreeing to pay them a  
24 fee or commission based on a percentage of the  
25 settlement, or other method of compensation."

26 (2) The insured is not required to hire a public

1 adjuster to help the insured meet his or her obligations  
2 under the policy, but has the right to do so.

3 (3) The insured has the right to initiate direct  
4 communications with the insured's attorney, the insurer,  
5 the insurer's adjuster, and the insurer's attorney, or any  
6 other person regarding the settlement of the insured's  
7 claim. Once a public adjuster has been retained, the  
8 company adjuster or other insurance representative may not  
9 communicate directly with the insured without the  
10 permission or consent of the public adjuster or the  
11 insured's legal counsel.

12 (4) The public adjuster is not a representative or  
13 employee of the insurer.

14 (5) The salary, fee, commission, or other  
15 consideration is the obligation of the insured, not the  
16 insurer.

17 (g) The contracts shall be executed in duplicate to provide  
18 an original contract to the public adjuster, and an original  
19 contract to the insured. The public adjuster's original  
20 contract shall be available at all times for inspection without  
21 notice by the Director.

22 (h) The public adjuster shall provide the insurer a  
23 notification letter, which has been signed by the insured,  
24 authorizing the public adjuster to represent the insured's  
25 interest.

26 (i) The public adjuster shall give the insured written

1 notice of the insured's rights as a consumer under the law of  
2 this State.

3 (j) The insured has the right to rescind the contract  
4 within 3 business days after the date the contract was signed.  
5 The rescission shall be in writing and mailed or delivered to  
6 the public adjuster at the address in the contract within the 3  
7 business day period.

8 (k) If the insured exercises the right to rescind the  
9 contract, anything of value given by the insured under the  
10 contract will be returned to the insured within 15 business  
11 days following the receipt by the public adjuster of the  
12 cancellation notice.

13 (215 ILCS 5/1580 new)

14 Sec. 1580. Escrow or trust accounts. A public adjuster  
15 who receives, accepts, or holds any funds on behalf of an  
16 insured towards the settlement of a claim for loss or damage  
17 shall deposit the funds in a non-interest bearing escrow or  
18 trust account in a financial institution that is insured by an  
19 agency of the federal government in the public adjuster's home  
20 state or where the loss occurred.

21 (215 ILCS 5/1585 new)

22 Sec. 1585. Record retention.

23 (a) A public adjuster shall maintain a complete record of  
24 each transaction as a public adjuster. The records required by

1 this Section shall include the following:

2 (1) name of the insured;

3 (2) date, location and amount of the loss;

4 (3) copy of the contract between the public adjuster  
5 and insured;

6 (4) name of the insurer, amount, expiration date and  
7 number of each policy carried with respect to the loss;

8 (5) itemized statement of the insured's recoveries;

9 (6) itemized statement of all compensation received by  
10 the public adjuster, from any source whatsoever, in  
11 connection with the loss;

12 (7) a register of all monies received, deposited,  
13 disbursed, or withdrawn in connection with a transaction  
14 with an insured, including fees transfers and  
15 disbursements from a trust account and all transactions  
16 concerning all interest bearing accounts;

17 (8) name of public adjuster who executed the contract;

18 (9) name of the attorney representing the insured, if  
19 applicable, and the name of the claims representatives of  
20 the insurance company; and

21 (10) evidence of financial responsibility in a format  
22 prescribed by the Director.

23 (b) Records shall be maintained for at least 5 years after  
24 the termination of the transaction with an insured and shall be  
25 open to examination by the Director at all times.

26 (c) Records submitted to the Director in accordance with

1 this Section that contain information identified in writing as  
2 proprietary by the public adjuster shall be treated as  
3 confidential by the Director and shall not be subject Freedom  
4 of Information Act.

5 (215 ILCS 5/1590 new)

6 Sec. 1590. Standards of conduct of public adjuster.

7 (a) A public adjuster is obligated, under his or her  
8 license, to serve with objectivity and complete loyalty for the  
9 interests of his client alone, and to render to the insured  
10 such information, counsel, and service, as within the  
11 knowledge, understanding, and opinion in good faith of the  
12 licensee, as will best serve the insured's insurance claim  
13 needs and interest.

14 (b) A public adjuster shall not solicit or attempt to  
15 solicit an insured during the progress of a loss-producing  
16 occurrence, as defined in the insured's insurance contract.

17 (c) A public adjuster shall not permit an unlicensed  
18 employee or representative of the public adjuster to conduct  
19 business for which a license is required under this Article.

20 (d) A public adjuster shall not have a direct or indirect  
21 financial interest in any aspect of the claim, other than the  
22 salary, fee, commission, or other consideration established in  
23 the written contract with the insured, unless full written  
24 disclosure has been made to the insured as set forth in  
25 subsection (g) of Section 1575.

1       (e) A public adjuster shall not acquire any interest in the  
2 salvage of property subject to the contract with the insured  
3 unless the public adjuster obtains written permission from the  
4 insured after settlement of the claim with the insurer as set  
5 forth in subsection (g) of Section 1575 of this Article.

6       (f) The public adjuster shall abstain from referring or  
7 directing the insured to get needed repairs or services in  
8 connection with a loss from any person, unless disclosed to the  
9 insured:

10           (1) with whom the public adjuster has a financial  
11 interest; or

12           (2) from whom the public adjuster may receive direct or  
13 indirect compensation for the referral.

14       (g) The public adjuster shall disclose to an insured if he  
15 or she has any interest or will be compensated by any  
16 construction firm, salvage firm, building appraisal firm,  
17 motor vehicle repair shop, or any other firm that performs any  
18 work in conjunction with damages caused by the insured loss.  
19 The word "firm" shall include any corporation, partnership,  
20 association, joint-stock company or individual as set forth in  
21 Section 1575 of this Article.

22       (h) Any compensation or anything of value in connection  
23 with an insured's specific loss that will be received by a  
24 public adjuster shall be disclosed by the public adjuster to  
25 the insured in writing including the source and amount of any  
26 such compensation.

1       (i) Public adjusters shall adhere to the following general  
2 ethical requirements:

3           (1) A public adjuster shall not undertake the  
4 adjustment of any claim if the public adjuster is not  
5 competent and knowledgeable as to the terms and conditions  
6 of the insurance coverage, or which otherwise exceeds the  
7 public adjuster's current expertise;

8           (2) A public adjuster shall not knowingly make any oral  
9 or written material misrepresentations or statements which  
10 are false or maliciously critical and intended to injure  
11 any person engaged in the business of insurance to any  
12 insured client or potential insured client;

13           (3) No public adjuster, while so licensed by the  
14 Department, may represent or act as a company adjuster or  
15 independent adjuster on the same claim;

16           (4) The contract shall not be construed to prevent an  
17 insured from pursuing any civil remedy after the 3-business  
18 day revocation or cancellation period;

19           (5) A public adjuster shall not enter into a contract  
20 or accept a power of attorney that vests in the public  
21 adjuster the effective authority to choose the persons who  
22 shall perform repair work; and

23           (6) A public adjuster shall ensure that all contracts  
24 for the public adjuster's services are in writing and set  
25 forth all terms and conditions of the engagement.

26       (j) A public adjuster may not agree to any loss settlement

1 without the insured's knowledge and consent.

2 (215 ILCS 5/1595 new)

3 Sec. 1595. Reporting of actions.

4 (a) The public adjuster shall report to the Director any  
5 administrative action taken against the public adjuster in  
6 another jurisdiction or by another governmental agency in this  
7 State within 30 days of the final disposition of the matter.  
8 This report shall include a copy of the order, consent to  
9 order, or other relevant legal documents.

10 (b) Within 30 days of the initial pretrial hearing date,  
11 the public adjuster shall report to the Director any criminal  
12 prosecution of the public adjuster taken in any jurisdiction.  
13 The report shall include a copy of the initial complaint filed,  
14 the order resulting from the hearing, and any other relevant  
15 legal documents.

16 (215 ILCS 5/1600 new)

17 Sec. 1600. Rules. The Director shall promulgate reasonable  
18 rules as are necessary or proper to carry out the purposes of  
19 this Article.

20 Section 900. The Freedom of Information Act is amended by  
21 changing Section 7 as follows:

22 (5 ILCS 140/7) (from Ch. 116, par. 207)



1           Sec. 7. Exemptions.

2           (1) The following shall be exempt from inspection and  
3 copying:

4           (a) Information specifically prohibited from  
5 disclosure by federal or State law or rules and regulations  
6 adopted under federal or State law.

7           (b) Information that, if disclosed, would constitute a  
8 clearly unwarranted invasion of personal privacy, unless  
9 the disclosure is consented to in writing by the individual  
10 subjects of the information. The disclosure of information  
11 that bears on the public duties of public employees and  
12 officials shall not be considered an invasion of personal  
13 privacy. Information exempted under this subsection (b)  
14 shall include but is not limited to:

15           (i) files and personal information maintained with  
16 respect to clients, patients, residents, students or  
17 other individuals receiving social, medical,  
18 educational, vocational, financial, supervisory or  
19 custodial care or services directly or indirectly from  
20 federal agencies or public bodies;

21           (ii) personnel files and personal information  
22 maintained with respect to employees, appointees or  
23 elected officials of any public body or applicants for  
24 those positions;

25           (iii) files and personal information maintained  
26 with respect to any applicant, registrant or licensee

1 by any public body cooperating with or engaged in  
2 professional or occupational registration, licensure  
3 or discipline;

4 (iv) information required of any taxpayer in  
5 connection with the assessment or collection of any tax  
6 unless disclosure is otherwise required by State  
7 statute;

8 (v) information revealing the identity of persons  
9 who file complaints with or provide information to  
10 administrative, investigative, law enforcement or  
11 penal agencies; provided, however, that identification  
12 of witnesses to traffic accidents, traffic accident  
13 reports, and rescue reports may be provided by agencies  
14 of local government, except in a case for which a  
15 criminal investigation is ongoing, without  
16 constituting a clearly unwarranted per se invasion of  
17 personal privacy under this subsection; and

18 (vi) the names, addresses, or other personal  
19 information of participants and registrants in park  
20 district, forest preserve district, and conservation  
21 district programs.

22 (c) Records compiled by any public body for  
23 administrative enforcement proceedings and any law  
24 enforcement or correctional agency for law enforcement  
25 purposes or for internal matters of a public body, but only  
26 to the extent that disclosure would:

1 (i) interfere with pending or actually and  
2 reasonably contemplated law enforcement proceedings  
3 conducted by any law enforcement or correctional  
4 agency;

5 (ii) interfere with pending administrative  
6 enforcement proceedings conducted by any public body;

7 (iii) deprive a person of a fair trial or an  
8 impartial hearing;

9 (iv) unavoidably disclose the identity of a  
10 confidential source or confidential information  
11 furnished only by the confidential source;

12 (v) disclose unique or specialized investigative  
13 techniques other than those generally used and known or  
14 disclose internal documents of correctional agencies  
15 related to detection, observation or investigation of  
16 incidents of crime or misconduct;

17 (vi) constitute an invasion of personal privacy  
18 under subsection (b) of this Section;

19 (vii) endanger the life or physical safety of law  
20 enforcement personnel or any other person; or

21 (viii) obstruct an ongoing criminal investigation.

22 (d) Criminal history record information maintained by  
23 State or local criminal justice agencies, except the  
24 following which shall be open for public inspection and  
25 copying:

26 (i) chronologically maintained arrest information,

1           such as traditional arrest logs or blotters;

2           (ii) the name of a person in the custody of a law  
3           enforcement agency and the charges for which that  
4           person is being held;

5           (iii) court records that are public;

6           (iv) records that are otherwise available under  
7           State or local law; or

8           (v) records in which the requesting party is the  
9           individual identified, except as provided under part  
10          (vii) of paragraph (c) of subsection (1) of this  
11          Section.

12          "Criminal history record information" means data  
13          identifiable to an individual and consisting of  
14          descriptions or notations of arrests, detentions,  
15          indictments, informations, pre-trial proceedings, trials,  
16          or other formal events in the criminal justice system or  
17          descriptions or notations of criminal charges (including  
18          criminal violations of local municipal ordinances) and the  
19          nature of any disposition arising therefrom, including  
20          sentencing, court or correctional supervision,  
21          rehabilitation and release. The term does not apply to  
22          statistical records and reports in which individuals are  
23          not identified and from which their identities are not  
24          ascertainable, or to information that is for criminal  
25          investigative or intelligence purposes.

26          (e) Records that relate to or affect the security of

1 correctional institutions and detention facilities.

2 (f) Preliminary drafts, notes, recommendations,  
3 memoranda and other records in which opinions are  
4 expressed, or policies or actions are formulated, except  
5 that a specific record or relevant portion of a record  
6 shall not be exempt when the record is publicly cited and  
7 identified by the head of the public body. The exemption  
8 provided in this paragraph (f) extends to all those records  
9 of officers and agencies of the General Assembly that  
10 pertain to the preparation of legislative documents.

11 (g) Trade secrets and commercial or financial  
12 information obtained from a person or business where the  
13 trade secrets or information are proprietary, privileged  
14 or confidential, or where disclosure of the trade secrets  
15 or information may cause competitive harm, including:

16 (i) All information determined to be confidential  
17 under Section 4002 of the Technology Advancement and  
18 Development Act.

19 (ii) All trade secrets and commercial or financial  
20 information obtained by a public body, including a  
21 public pension fund, from a private equity fund or a  
22 privately held company within the investment portfolio  
23 of a private equity fund as a result of either  
24 investing or evaluating a potential investment of  
25 public funds in a private equity fund. The exemption  
26 contained in this item does not apply to the aggregate

1 financial performance information of a private equity  
2 fund, nor to the identity of the fund's managers or  
3 general partners. The exemption contained in this item  
4 does not apply to the identity of a privately held  
5 company within the investment portfolio of a private  
6 equity fund, unless the disclosure of the identity of a  
7 privately held company may cause competitive harm.

8 Nothing contained in this paragraph (g) shall be construed  
9 to prevent a person or business from consenting to disclosure.

10 (h) Proposals and bids for any contract, grant, or  
11 agreement, including information which if it were  
12 disclosed would frustrate procurement or give an advantage  
13 to any person proposing to enter into a contractor  
14 agreement with the body, until an award or final selection  
15 is made. Information prepared by or for the body in  
16 preparation of a bid solicitation shall be exempt until an  
17 award or final selection is made.

18 (i) Valuable formulae, computer geographic systems,  
19 designs, drawings and research data obtained or produced by  
20 any public body when disclosure could reasonably be  
21 expected to produce private gain or public loss. The  
22 exemption for "computer geographic systems" provided in  
23 this paragraph (i) does not extend to requests made by news  
24 media as defined in Section 2 of this Act when the  
25 requested information is not otherwise exempt and the only  
26 purpose of the request is to access and disseminate

1 information regarding the health, safety, welfare, or  
2 legal rights of the general public.

3 (j) Test questions, scoring keys and other examination  
4 data used to administer an academic examination or  
5 determined the qualifications of an applicant for a license  
6 or employment.

7 (k) Architects' plans, engineers' technical  
8 submissions, and other construction related technical  
9 documents for projects not constructed or developed in  
10 whole or in part with public funds and the same for  
11 projects constructed or developed with public funds, but  
12 only to the extent that disclosure would compromise  
13 security, including but not limited to water treatment  
14 facilities, airport facilities, sport stadiums, convention  
15 centers, and all government owned, operated, or occupied  
16 buildings.

17 (l) Library circulation and order records identifying  
18 library users with specific materials.

19 (m) Minutes of meetings of public bodies closed to the  
20 public as provided in the Open Meetings Act until the  
21 public body makes the minutes available to the public under  
22 Section 2.06 of the Open Meetings Act.

23 (n) Communications between a public body and an  
24 attorney or auditor representing the public body that would  
25 not be subject to discovery in litigation, and materials  
26 prepared or compiled by or for a public body in

1 anticipation of a criminal, civil or administrative  
2 proceeding upon the request of an attorney advising the  
3 public body, and materials prepared or compiled with  
4 respect to internal audits of public bodies.

5 (o) Information received by a primary or secondary  
6 school, college or university under its procedures for the  
7 evaluation of faculty members by their academic peers.

8 (p) Administrative or technical information associated  
9 with automated data processing operations, including but  
10 not limited to software, operating protocols, computer  
11 program abstracts, file layouts, source listings, object  
12 modules, load modules, user guides, documentation  
13 pertaining to all logical and physical design of  
14 computerized systems, employee manuals, and any other  
15 information that, if disclosed, would jeopardize the  
16 security of the system or its data or the security of  
17 materials exempt under this Section.

18 (q) Documents or materials relating to collective  
19 negotiating matters between public bodies and their  
20 employees or representatives, except that any final  
21 contract or agreement shall be subject to inspection and  
22 copying.

23 (r) Drafts, notes, recommendations and memoranda  
24 pertaining to the financing and marketing transactions of  
25 the public body. The records of ownership, registration,  
26 transfer, and exchange of municipal debt obligations, and



1 of persons to whom payment with respect to these  
2 obligations is made.

3 (s) The records, documents and information relating to  
4 real estate purchase negotiations until those negotiations  
5 have been completed or otherwise terminated. With regard to  
6 a parcel involved in a pending or actually and reasonably  
7 contemplated eminent domain proceeding under the Eminent  
8 Domain Act, records, documents and information relating to  
9 that parcel shall be exempt except as may be allowed under  
10 discovery rules adopted by the Illinois Supreme Court. The  
11 records, documents and information relating to a real  
12 estate sale shall be exempt until a sale is consummated.

13 (t) Any and all proprietary information and records  
14 related to the operation of an intergovernmental risk  
15 management association or self-insurance pool or jointly  
16 self-administered health and accident cooperative or pool.

17 (u) Information concerning a university's adjudication  
18 of student or employee grievance or disciplinary cases, to  
19 the extent that disclosure would reveal the identity of the  
20 student or employee and information concerning any public  
21 body's adjudication of student or employee grievances or  
22 disciplinary cases, except for the final outcome of the  
23 cases.

24 (v) Course materials or research materials used by  
25 faculty members.

26 (w) Information related solely to the internal

1 personnel rules and practices of a public body.

2 (x) Information contained in or related to  
3 examination, operating, or condition reports prepared by,  
4 on behalf of, or for the use of a public body responsible  
5 for the regulation or supervision of financial  
6 institutions or insurance companies, unless disclosure is  
7 otherwise required by State law.

8 (y) Information the disclosure of which is restricted  
9 under Section 5-108 of the Public Utilities Act.

10 (z) Manuals or instruction to staff that relate to  
11 establishment or collection of liability for any State tax  
12 or that relate to investigations by a public body to  
13 determine violation of any criminal law.

14 (aa) Applications, related documents, and medical  
15 records received by the Experimental Organ Transplantation  
16 Procedures Board and any and all documents or other records  
17 prepared by the Experimental Organ Transplantation  
18 Procedures Board or its staff relating to applications it  
19 has received.

20 (bb) Insurance or self insurance (including any  
21 intergovernmental risk management association or self  
22 insurance pool) claims, loss or risk management  
23 information, records, data, advice or communications.

24 (cc) Information and records held by the Department of  
25 Public Health and its authorized representatives relating  
26 to known or suspected cases of sexually transmissible

1 disease or any information the disclosure of which is  
2 restricted under the Illinois Sexually Transmissible  
3 Disease Control Act.

4 (dd) Information the disclosure of which is exempted  
5 under Section 30 of the Radon Industry Licensing Act.

6 (ee) Firm performance evaluations under Section 55 of  
7 the Architectural, Engineering, and Land Surveying  
8 Qualifications Based Selection Act.

9 (ff) Security portions of system safety program plans,  
10 investigation reports, surveys, schedules, lists, data, or  
11 information compiled, collected, or prepared by or for the  
12 Regional Transportation Authority under Section 2.11 of  
13 the Regional Transportation Authority Act or the St. Clair  
14 County Transit District under the Bi-State Transit Safety  
15 Act.

16 (gg) Information the disclosure of which is restricted  
17 and exempted under Section 50 of the Illinois Prepaid  
18 Tuition Act.

19 (hh) Information the disclosure of which is exempted  
20 under the State Officials and Employees Ethics Act.

21 (ii) Beginning July 1, 1999, information that would  
22 disclose or might lead to the disclosure of secret or  
23 confidential information, codes, algorithms, programs, or  
24 private keys intended to be used to create electronic or  
25 digital signatures under the Electronic Commerce Security  
26 Act.

1           (jj) Information contained in a local emergency energy  
2 plan submitted to a municipality in accordance with a local  
3 emergency energy plan ordinance that is adopted under  
4 Section 11-21.5-5 of the Illinois Municipal Code.

5           (kk) Information and data concerning the distribution  
6 of surcharge moneys collected and remitted by wireless  
7 carriers under the Wireless Emergency Telephone Safety  
8 Act.

9           (ll) Vulnerability assessments, security measures, and  
10 response policies or plans that are designed to identify,  
11 prevent, or respond to potential attacks upon a community's  
12 population or systems, facilities, or installations, the  
13 destruction or contamination of which would constitute a  
14 clear and present danger to the health or safety of the  
15 community, but only to the extent that disclosure could  
16 reasonably be expected to jeopardize the effectiveness of  
17 the measures or the safety of the personnel who implement  
18 them or the public. Information exempt under this item may  
19 include such things as details pertaining to the  
20 mobilization or deployment of personnel or equipment, to  
21 the operation of communication systems or protocols, or to  
22 tactical operations.

23           (mm) Maps and other records regarding the location or  
24 security of generation, transmission, distribution,  
25 storage, gathering, treatment, or switching facilities  
26 owned by a utility or by the Illinois Power Agency.

1           (nn) Law enforcement officer identification  
2 information or driver identification information compiled  
3 by a law enforcement agency or the Department of  
4 Transportation under Section 11-212 of the Illinois  
5 Vehicle Code.

6           (oo) Records and information provided to a residential  
7 health care facility resident sexual assault and death  
8 review team or the Executive Council under the Abuse  
9 Prevention Review Team Act.

10          (pp) Information provided to the predatory lending  
11 database created pursuant to Article 3 of the Residential  
12 Real Property Disclosure Act, except to the extent  
13 authorized under that Article.

14          (qq) Defense budgets and petitions for certification  
15 of compensation and expenses for court appointed trial  
16 counsel as provided under Sections 10 and 15 of the Capital  
17 Crimes Litigation Act. This subsection (qq) shall apply  
18 until the conclusion of the trial of the case, even if the  
19 prosecution chooses not to pursue the death penalty prior  
20 to trial or sentencing.

21          (rr) Information contained in or related to proposals,  
22 bids, or negotiations related to electric power  
23 procurement under Section 1-75 of the Illinois Power Agency  
24 Act and Section 16-111.5 of the Public Utilities Act that  
25 is determined to be confidential and proprietary by the  
26 Illinois Power Agency or by the Illinois Commerce

1 Commission.

2 (ss) Information the disclosure of which is exempted  
3 under the Public Adjusters Law of the Illinois Insurance  
4 Code.

5 (2) This Section does not authorize withholding of  
6 information or limit the availability of records to the public,  
7 except as stated in this Section or otherwise provided in this  
8 Act.

9 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,  
10 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;  
11 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.  
12 8-28-07.)

13 (215 ILCS 5/Art. XXXI.75 rep.)

14 Section 910. The Illinois Insurance Code is amended by  
15 repealing Article XXXI.75.

16 Section 997. Severability. The provisions of this Act are  
17 severable under Section 1.31 of the Statute on Statutes.

1	INDEX
2	Statutes amended in order of appearance
3	215 ILCS 5/Art. XLV
4	heading new
5	215 ILCS 5/1501 new
6	215 ILCS 5/1505 new
7	215 ILCS 5/1510 new
8	215 ILCS 5/1515 new
9	215 ILCS 5/1520 new
10	215 ILCS 5/1525 new
11	215 ILCS 5/1530 new
12	215 ILCS 5/1535 new
13	215 ILCS 5/1540 new
14	215 ILCS 5/1545 new
15	215 ILCS 5/1550 new
16	215 ILCS 5/1555 new
17	215 ILCS 5/1560 new
18	215 ILCS 5/1565 new
19	215 ILCS 5/1570 new
20	215 ILCS 5/1575 new
21	215 ILCS 5/1580 new
22	215 ILCS 5/1585 new
23	215 ILCS 5/1590 new
24	215 ILCS 5/1595 new
25	215 ILCS 5/1600 new

1 5 ILCS 140/7 from Ch. 116, par. 207  
2 215 ILCS 5/Art. XXXI.75  
3 rep.